

## Message Text

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TO SECSTATE WASHDC 4917

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SUBJ: CCD - SECOND DRAFT OF NWFZ STUDY, CHAPTER VII

FOLLOWING IS TEXT OF SECOND DRAFT OF CHAPTER SEVEN (PEACEFUL USES  
NUCLEAR ENERGY) DISTRIBUTED TO EXPERTS JULY 24.

BEGIN TEXT:

### VII. PEACEFUL USES OF NUCLEAR ENERGY

#### 1. AVAILABILITY TO STATES INCLUDED IN THE ZONES OF

NUCLEAR SCIENCE AND TECHNOLOGY FOR PEACEFUL PURPOSES

1. WHILE A PRINCIPAL OBJECTIVE OF THE ESTABLISHMENT OF A NUCLEAR-WEAPON-FREE ZONE IS THE COMPLETE ABSENCE OF NUCLEAR WEAPONS FROM THE ZONE AREA, AND WHILE THAT PURPOSE WOULD REQUIRE THE ACCEPTANCE OF CERTAIN PROVISIONS OF CONTROL TO BE APPLIED ON CIVILIAN NUCLEAR ACTIVITIES, IT IS GENERALLY AGREED THAT STATES PARTY TO A NUCLEAR-WEAPON-FREE ZONE TREATY WOULD HAVE THE RIGHT TO USE NUCLEAR ENERGY FOR PEACEFUL PURPOSES.

2. MANY EXPERTS REFERRED TO ARTICLE IV OF THE NPT AS THE OBVIOUS

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MODEL FOR A NUCLEAR-WEAPON-FREE ZONE FOR PEACEFUL NUCLEAR ACTIVI-

TIES. THE EXPERTS GENERALLY AGREED THAT THE IAEA SHOULD HAVE AN ESSENTIAL ROLE IN PROMOTING AND SAFEGUARDING PEACEFUL USES OF NUCLEAR ENERGY IN NUCLEAR-WEAPON-FREE ZONES. IT WAS FURTHER STRESSED THAT THE CREATION OF A NUCLEAR-WEAPON-FREE ZONE AND THE APPLICATION OF AN EFFECTIVE SAFEGUARDS SYSTEM IN THE ZONE COULD FACILITATE REGIONAL AND INTERNATIONAL CO-OPERATION IN THE PEACEFUL USES OF THE ATOM. THE ONLY OBLIGATION THAT WOULD HAVE TO BE ACCEPTED IN RELATION TO PEACEFUL NUCLEAR ACTIVITIES OF ZONAL STATES WOULD BE TO GUARANTEE THAT SUCH ACTIVITIES WERE NOT DIVERTED TO PURPOSES NOT PERMITTED BY THE ZONE-TREATY, AND OTHER APPLICABLE INTERNATIONAL AGREEMENTS IN FORCE FOR SUCH STATES.

## 2. ROLE OF NUCLEAR-WEAPON STATES

3. WHILE MANY EXPERTS REFERRED TO THE PROVISIONS OF ARTICLES IV AND V OF THE NPT AS THE BEST GUIDELINES FOR A NUCLEAR-WEAPON-FREE ZONE, IT WAS GENERALLY RECOGNIZED THAT A NUCLEAR-WEAPON-FREE ZONE WOULD BE THE RESULT OF A REGIONAL AGREEMENT AND THAT OBLIGATIONS OF THIS NATURE COULD NOT BE IMPOSED ON NUCLEAR-WEAPON STATES. PARTIES TO NUCLEAR-WEAPON-FREE ZONE TREATIES COULD, HOWEVER, REQUEST THAT NUCLEAR-WEAPON STATES CO-OPERATE IN THE PEACEFUL USES OF NUCLEAR ENERGY AND DO THIS IN SUCH A WAY THAT THE PURPOSES OF THE ZONE WOULD NOT BE VIOLATED OR ENDANGERED. THE SAME REQUEST COULD ALSO BE MADE TO OTHER STATES AND PARTICULARLY TO THOSE WITH ADVANCED PEACEFUL NUCLEAR TECHNOLOGY.

## 3. ROLE OF INTERNATIONAL ORGANIZATIONS AND ARRANGEMENTS

4. IT IS CLEAR THAT ONCE A NUCLEAR-WEAPON-FREE ZONE HAS BEEN CREATED, AN ELEMENT OF REGIONAL CO-OPERATION HAS BEEN ESTABLISHED IN THE AREA OF THE ZONE THAT COULD BE EXPANDED TO COVER OTHER POSSIBLE KLDACJAW CO-OPERATION, INCLUDING THE PEACEFUL USES OF NUCLEAR ENERGY. THE CENTRE OF IMPLEMENTATION AND CO-ORDINATION OF SUCH EXTENDED CO-OPERATION MIGHT POSSIBLY COINCIDE WITH THE REGIONAL BODIES OR AD HOC AGENCIES NECESSARY FOR VERIFICATION AND CONTROL.

5. IT WOULD ALSO BE DESIRABLE TO CONCLUDE AN AGREEMENT BETWEEN THE IAEA AND A COMPETENT AUTHORITY REPRESENTING THE ZONE ON CO-OPERATION IN CIVIL NUCLEAR ACTIVITIES.

6. THE EXPERTS CONSIDERED THE POSSIBILITY OF CO-OPERATION AMONG ZONAL STATES IN THE ESTABLISHMENT OF REGIONAL FUEL CYCLE CENTRES. THEY RECOGNIZED THAT SUCH CENTRES COULD BE A VERY ADVANTAGEOUS WAY TO SATISFY, SAFELY AND ECONOMICALLY, THE NEEDS OF ZONAL STATES IN

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THE COURSE OF DEVELOPING THEIR NUCLEAR POWER PROGRAMMES, WHILE AT THE SAME TIME FACILITATING PHYSICAL PROTECTION AND THE APPLICATION OF IAEA SAFEGUARDS, AND THUS CONTRIBUTE TO THE PURPOSES OF THE ZONE TREATY AND OF NON-PROLIFERATION OF NUCLEAR WEAPONS. IT WAS SUGGESTED THAT THE CREATION OF FUEL CENTRES MIGHT DISCOURAGE STATES FROM DEVELOPING CERTAIN NUCLEAR FACILITIES OF THEIR OWN, OR LEAD THEM TO SUBORDINATE FACILITIES THEY ALREADY HAD TO THE REGIONAL CENTRE, THEREBY FURTHER STRENGTHENING THE SECURITY MEASURES

OF THE NUCLEAR-WEAPON-FREE ZONES.

7. ONE OF THE FEATURES OF SUCH AN ARRANGEMENT COULD BE THAT PARTIES TO A ZONE TREATY COULD SATISFY THEIR REQUIREMENTS FOR ENRICHMENT AND CHEMICAL PROCESSING SERVICES THROUGH A REGIONAL CENTRE. ZONE PARTIES COULD UNDERTAKE NOT TO CONSTRUCT OR OPERATE ENRICHMENT OR CHEMICAL PROCESSING FACILITIES WHICH DID NOT COME UNDER THE CONTROL OF THE CENTRE, AND NOT TO MAKE SUPPLY ARRANGEMENTS WHICH BY-PASSED IT. IN ADDITION, THE CENTRE COULD ENSURE THAT MEMBER STATES DID NOT TAKE DELIVERY OF ENRICHED URANIUM OR PLUTONIUM IN EXCESS OF THEIR SCHEDULED REQUIREMENTS. MEMBER STATES MIGHT ALSO AGREE THAT ENRICHED URANIUM OR PLUTONIUM PRODUCED ON THEIR BEHALF AND NOT REQUIRED FOR EARLY USE SHOULD BE HELD IN THE CUSTODY OF THE CENTRE.

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8. THE CONCEPT OF A NUCLEAR FUEL CYCLE CENTRE HAS NOT BEEN STRICTLY DEFINED, BUT REFERENCE HAS BEEN MADE BOTH TO JOINTLY OPERATED INDUSTRIAL FACILITIES AND TO MULTILATERAL ORGANIZATIONS HAVING COMBINED ADMINISTRATIVE AND OPERATIVE FUNCTIONS (COMPARE THE EXAMPLE OF EURATOM). SOME EXPERTS POINTED TO THREE ALTERNATIVE POSSIBILITIES:

(A) IT COULD LEAVE MEMBER STATES TO CONTRACT WITH THIRD COUN-

TRIES FOR THEIR ENRICHMENT AND PROCESSING REQUIREMENTS SUBJECT TO ITS APPROVAL THAT SUPPLY WAS JUSTIFIED ON THE BASIS OF SCHEDULED REQUIREMENTS;

(B) IT COULD ACCEPT RESPONSIBILITY FOR ARRANGING SUPPLY, RELYING ON THE AGGREGATION OF DEMAND TO GIVE IT A SPECIAL POSITION IN THE MARKET;

(C) IT COULD BUILD AND OPERATE ITS OWN PLANTS OR CONTRACT WITH OTHERS TO DO SO ON ITS BEHALF.

ALTERNATIVE (C) WOULD REPRESENT A LOGICALLY IDEAL DEVELOPMENT WHEN JUSTIFIED BY DEMAND SINCE IT WOULD ALLOW MEMBER STATES TO REAP THE ECONOMIC BENEFIT OF OPERATION OF THEIR OWN FUEL CYCLE, WITHOUT BEING DIRECTLY INVOLVED AT THE NATIONAL LEVEL.

9. IN CHOOSING THE LOCATION FOR PLANTS WITHIN A ZONE IT WOULD BE UNCLASSIFIED

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NECESSARY TO SELECT A MEMBER STATE OFFERING BOTH THE PHYSICAL AND TECHNICAL BASIS FOR PLANT CONSTRUCTION AND OPERATION AS WELL AS ADEQUATE PHYSICAL PROTECTION MEASURES.

10. ALTHOUGH THIS TYPE OF NUCLEAR WEAPON-FREE ZONE ARRANGEMENT MIGHT OR MIGHT NOT INVOLVE MEMBER STATES IN THE SURRENDER OF THE RIGHT TO ENGAGE IN A CERTAIN INDUSTRIAL ACTIVITY, THERE ARE ECONOMIC REASONS WHY MANY STATES MIGHT FIND SUCH A PROPOSITION ATTRACTIVE. MANY COUNTRIES ARE CONCERNED ABOUT THE COST OF NUCLEAR FACILITIES, WHICH ARE HIGHLY CAPITAL INTENSIVE AND A REGIONAL CENTRE COULD HELP MEET THEIR ENERGY REQUIREMENTS ON A CO-OPERATIVE AND ECONOMICAL BASIS. IN ADDITION, THE DISPOSAL OF THE NUCLEAR WASTES FROM CHEMICAL PROCESSING REPRESENTS A MAJOR PROBLEM AND MANY COUNTRIES WOULD PROBABLY WELCOME A PROCESSING SERVICE WHICH TOOK THE BURDEN OF DISPOSING OF THE NUCLEAR WASTES OUT OF THEIR HANDS.

11. HOWEVER, SOME EXPERTS POINTED OUT THAT REGIONAL FUEL CYCLE CENTRES RAISE PROBLEMS OF OWNERSHIP, MANAGEMENT AND CONTROL. PENDING THE RESULT OF CURRENT IAEA STUDIES IN THIS AREA, A FIRM CONCLUSION ON THE FEASIBILITY OF SUCH CENTRES IN RELATION TO NUCLEAR-WEAPON-FREE ZONES WOULD BE PREMATURE.

#### 4. PEACEFUL NUCLEAR EXPLOSIONS

12. ON THE ISSUE OF NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES THAT MIGHT BE UNDERTAKEN WITHIN NUCLEAR-WEAPON-FREE ZONES THERE WAS A SHARP DIVISION OF OPINION AMONG THE EXPERTS. WHILE IT WAS ACCEPTED THAT ALL PEACEFUL BENEFITS OF NUCLEAR ENERGY, INCLUDING POTENTIAL BENEFITS OF PEACEFUL NUCLEAR EXPLOSIONS, SHOULD BE AVAILABLE TO ZONAL STATES, MOST EXPERTS HELD THE VIEW THAT AS NUCLEAR EXPLOSIVE DEVICES INTENDED FOR PEACEFUL PURPOSES COULD ALSO BE USED AS WEAPONS THEREFORE, INDIGENOUS DEVELOPMENT AND PRODUCTION OF SUCH DEVICES BY ZONAL STATES WOULD VIOLATE ONE OF THE PRINCIPAL PURPOSES OF THE ZONES. ACCORDINGLY, THESE EXPERTS STRONGLY EMPHASIZED THAT STATES PARTIES TO A ZONE MUST NOT THEMSELVES PRODUCE ANY NUCLEAR EXPLOSIVE DEVICES FOR PEACEFUL PURPOSES, AND THAT SUCH DEVICES SHOULD ONLY BE SUPPLIED BY STATES OUTSIDE THE ZONE WITH THE ASSISTANCE OF IAEA IN A MANNER CONSISTENT WITH THE PROCE-

DURE ENVISAGED BY ARTICLE V OF THE NPT. OTHER EXPERTS HELD THE DIFFERENT VIEW, HOWEVER, THAT SINCE IT IS THE INALIENABLE RIGHT OF ALL STATES TO USE NUCLEAR ENERGY FOR PEACEFUL PURPOSES, THE RIGHT TO ANY EXPLOITATION OF SUCH BENEFITS, INCLUDING PEACEFUL NUCLEAR EXPLOSIONS, SHOULD BE AVAILABLE TO ALL PARTIES TO A NUCLEAR-WEAPON-FREE ZONE TREATY.

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13. THE SERVICES OF THE IAEA AND ITS AD HOC ADVISORY GROUP ON NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES COULD BE OF GREAT VALUE IN CONSIDERING PEACEFUL NUCLEAR EXPLOSION PROJECTS. THE IAEA GUIDELINES FOR INTERNATIONAL OBSERVATION OF PEACEFUL NUCLEAR EXPLOSION OPERATIONS (INFCIRC/169), AS ADAPTED TO THE LEGAL FRAMEWORK OF THE NUCLEAR-WEAPON-FREE ZONE, SHOULD BE FOLLOWED IN ALL SUCH PROJECTS.

14. DETAILED PROCEDURES FOR UNDERTAKING PEACEFUL NUCLEAR EXPLOSIONS MAY BE EMBODIED IN THE BTJXFLOFZHE ZONE. SUCH PROCEDURES MIGHT PRESCRIBE THAT INJURY TO THE ZONE WHO INTENDS TO CARRY OUT A NUCLEAR EXPLOSION FOR PEACEFUL PURPOSES SHALL NOTIFY THE RELEVANT AUTHORITY OF THE ZONE, AND PROVIDE INFORMATION ON, AND PERMIT ACCESS TO, THE PROJECT IN ORDER TO AVOID SUSPICIONS AS TO THE PROPER NATURE AND PURPOSE OF THE EXPLOSION, AND TO VERIFY THAT THE PROJECT COMPLIES WITH TREATY PROVISIONS. THE TREATY OF TLA TELCO HAS SIMILAR PROVISIONS IN ITS ARTICLE 18. DALE

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